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In re Application of :
UHRICH et al. :
U.S. Application No.: 10/712,416 : DECISION ON PETITION
Filing Date: 10 November 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No.: 1435.010US3 :
For: THERAPEUTIC AZO-COMPOUNDS FOR DRUG:
DELIVERY

This decision is in response to applicant's "Petition to Revive" filed 10 November 2003 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 July 2001, applicant filed international application PCT/US01/23748 which claimed priority of an earlier application filed 27 July 2000. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 27 January 2003.

On 10 November 2003, applicant filed the present petition to revive pursuant to 37 CFR 1.137(b) accompanied by a continuation application.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has supplied the proper reply in the form of the filing of a continuation application.

As to item (2), applicant authorized deduction of the required petition fee to Deposit Account No.: 19-0743 thus satisfying item (2).

Regarding item (3), applicant's statement that, "Abandonment of the international application was unintentional and the entire delay in filing the U.S. national stage application was also unintentional" satisfies this element.

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

Applicant's petition to revive for the purposes of continuity only is **GRANTED**.

International application PCT/US01/23748 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned.

This application is being forwarded to the United States Designated/Elected Office for continued processing. The application will be forwarded to Office of Initial Patent Examination for continued processing as a regular national application under 35 U.S.C. 111(a).



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